

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

LAND ACQUISITION - Vizianagaram District - Andra Reservoir Project -
Mendata Mandal - Nikkalavalasa Village - Land acquired under Award No:79/93,
Dated 7.4.1999 - Confirmation of Lower Court orders by the Hon'ble High Court of
Andhra Pradesh in A.S.No.2024/99, dated 26.7.2007 filed against O.P.No.79/93-
Decretal charges of Rs.2,00,228/- - Sanction - Orders - Issued.

=====

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No: 397

Dated:03 .06.2009

Read :

From the Dist Collector,Vizianagaram District,Rc No:2204/1999/G4,
Dated:9.3.2009.

-0-

ORDER:

In the reference read above, it has been reported to Government that that an extent of 10.20 acres of dry land situated at Nikkalavalasa village, Mentada (M) under Award No: 1/93. Dt: 10.1.93 was acquired by the then Land Acquisition Officer & Spl Dy.Collector(LA), Parvathipuram for formation foreshore submergible area under Andra Reservoir Project, duly fixing the land value @ Rs.5,000/- per acre. Aggrieved landowners filed the claim in lower Court under Sec.18 of the Land Acquisition Act. Court of the Senior Civil Judge, Vizianagaram have enhanced the Market Value from Rs.5,000/- to Rs.10,000/-per acre in O.P No.79/93,dated.7.4.1999, with a direction to the Land Acquisition Officer to pay solatium @ 30% on the enhanced market value of the Land acquired and 12% additional market value from the date of publication of notification under section 4(1) till the date of passing award and interest 9% for one year from the date of taking possession and 15% interest till the date of realization on enhanced Market Value and that the claimants is not entitled to interest on solatium and on the additional market value.

2. Aggrieved by the Lower Court Orders, the Land Acquisition Officer preferred an Appeal in AS.No.2024/99. The Hon'ble High Court issued decree and judgment in AS.No.2024/99 and cross objections (S.R.No.9534 of 2007, dt.26.7.2007) that the decree of the Lower Court is confirmed and held that the claimants are entitled to interest on solatium and additional market value as enjoined under Sec.23-1(A) of the L.A.Act.

3. The Collector & District Magistrate, Vizianagaram, has requested the Government to sanction and release an amount of Rs.2,00,228/- in respect of O.P.No.79/93, as per the orders of High Court in AS.No.2024/1999, dated.26.7.2007.

4. Government after careful examination of the proposal of the Collector & District Magistrate, Vizianagaram, hereby accord sanction for an amount of **Rs.2,00,228/- (Rupees Two lakh Two hundred and Twenty Eight only)** in respect of O.P.No.79/93 towards entire /full decretal charges for depositing in the civil court to comply with the orders of High Court in A.S. No:2024/1999 and cross objections (SR No.9534 of 2007) ,dt.26.7.2007, as well as Lower Court in this case;; subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Government/Chief Commissioner of Land Administration immediate action should be taken to recover the loss sustained by the Govt. from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer (Medium) as to the extent of land acquired. Further, the Collector

(P.T.O)

should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Government/Chief Commissioner of Land Administration on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower Court.

5. The expenditure sanctioned above shall be debited to the Head of Account under "4701 - Capital Outlay on major & Medium Irrigation (03) Medium Irrigation - Commercial MH - 168 Andra Reservoir Projects -GH.11 - Normal State Plan - SH (26) D&A Works - 530/532 Lands (Charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund to surrendering an equal amount from voted grant.

6. The District Collector, Vizianagaram shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.79/93, under Andra Reservoir Scheme for avoiding intervention of the middlemen

7. The Engineer - in- Chief (Medium), Hyderabad shall take necessary steps for release of LOC immediately.

8. This order issues with the concurrence of Finance (Expr. PW-I) Department vide their U.O. No:012780/458/Exp.pw-I/09, Dated: 19.5.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

**SHAIENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.

The Collector, Vizianagaram District, Vizianagaram.

The Engineer - in- Chief (Medium), Hyderabad,.

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.

The Pay & Accounts Officer, Vizianagaram

The Superintending Engineer, Irrigation Circle, Vizianagaram

The District Treasury Officer, Vizianagaram

The Special Deputy Collector (LA), Bobbili, Vizianagaram District

The Finance (Expr.PW-I) Department

File C.No.6381/L.A.I(A1)/2009

SF/SCs

//FORWARDED :: BY ORDER//

SECTION OFFICER